

CHAPTER 78

REVENUE - ACTIVITIES REGULATION

HOUSE BILL 22-1037

BY REPRESENTATIVE(S) Hooton and Van Winkle, Boesenecker, Esgar, Gonzales-Gutierrez, Gray, Jodeh, Lindsay, Titone, Valdez A.;
also SENATOR(S) Holbert and Jaquez Lewis, Gonzales, Moreno.

AN ACT

CONCERNING THE ABILITY OF A PERSON TO OPERATE A DUAL MARIJUANA BUSINESS AT THE SAME LOCATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 44-10-313, **add** (14) as follows:

44-10-313. Licensing in general - rules. (14) (a) ON OR AFTER JANUARY 1, 2023, A PERSON MAY OPERATE A LICENSED MEDICAL MARIJUANA BUSINESS AND A LICENSED RETAIL MARIJUANA BUSINESS AT THE SAME LOCATION PURSUANT TO THIS SUBSECTION (14) AND RULES PROMULGATED BY THE STATE LICENSING AUTHORITY IF THE LOCAL LICENSING AUTHORITY AND LOCAL JURISDICTION WHERE THE BUSINESSES ARE LOCATED ALLOW LICENSED MEDICAL MARIJUANA AND LICENSED RETAIL MARIJUANA BUSINESSES TO BE OPERATED AT THE SAME LOCATION.

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (14)(b)(II) OF THIS SECTION, IF A LICENSED MEDICAL MARIJUANA STORE AND A LICENSED RETAIL MARIJUANA STORE OPERATE AT THE SAME LOCATION, EACH STORE SHALL MAINTAIN SEPARATE LICENSED PREMISES AND SEPARATE BUSINESS OPERATIONS, INCLUDING SEPARATE ENTRANCES AND EXITS, INVENTORY, POINT OF SALE OPERATIONS, AND RECORD KEEPING.

(II) THE STATE LICENSING AUTHORITY SHALL ADOPT RULES CONCERNING WHETHER ASPECTS OF THE LICENSED PREMISES AND BUSINESS OPERATIONS MAY BE COMBINED WHEN A LICENSED MEDICAL MARIJUANA STORE THAT OPERATES AT THE SAME LOCATION AS A LICENSED RETAIL MARIJUANA STORE SELLS MEDICAL MARIJUANA ONLY TO PERSONS TWENTY-ONE YEARS OF AGE OR OLDER. THE RULES MUST ADDRESS WHETHER TO ALLOW SINGLE ENTRANCES AND EXITS AND VIRTUAL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SEPARATION OF INVENTORY.

(c) A LICENSED MEDICAL MARIJUANA CULTIVATION FACILITY AND A LICENSED RETAIL MARIJUANA CULTIVATION FACILITY LOCATED AT THE SAME LOCATION MUST MAINTAIN EITHER PHYSICAL OR VIRTUAL SEPARATION OF THE TWO FACILITIES AND THE PLANTS AND INVENTORY OF THE TWO FACILITIES.

SECTION 2. In Colorado Revised Statutes, 44-10-203, **add** (2)(jj) as follows:

44-10-203. State licensing authority - rules. (2) Mandatory rule-making. Rules promulgated pursuant to section 44-10-202 (1)(c) must include but need not be limited to the following subjects:

(jj) ALLOWING A PERSON TO OPERATE A LICENSED MEDICAL MARIJUANA BUSINESS AND A LICENSED RETAIL MARIJUANA BUSINESS AT THE SAME LOCATION PURSUANT TO SECTION 44-10-313 (14).

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 7, 2022